

ORDINANCE NO. 17-O-__6

**AMENDING SECTION 28½.5.1, SUBSECTION (b)(8)
OF THE CODE OF ORDINANCE GOVERNING CIGAR BARS**

WHEREAS, by Ordinance 15-O-16, the City Council amended the City of Anniston Smoke Free Air Ordinance of 2013, codified at Chapter 28½, Article I, § 28½.1 *et seq.* of "The Code of the City of Anniston, Alabama, 1981," so as to allow for smoking within a "cigar bar," as defined by and subject to the terms, conditions and regulations set forth in Ordinance No. 15-O-16;

WHEREAS, the applicable terms, conditions and regulations permit smoking within a "cigar bar" when, among other things, the establishment is located in a freestanding structure occupied solely by the business;

WHEREAS, the City Council has determined that the public policies and justifications for the "freestanding structure" requirement can be protected and furthered through less restrictive means while also providing greater opportunities for appropriate "cigar bar" establishment(s) within the City;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 28½.5.1, Subsection (b)(8) of "The Code of the City of Anniston, Alabama, 1981," as established by Ordinance No. 15-O-16, to state in its entirety as follows:

Sec. 28½.5.1 – Cigar Bars.

* * * *

(b) Notwithstanding any other provision of this Chapter, smoking shall be allowed in those establishments that fall within the definition of a *cigar bar* as defined in this Section and, further, that meet the following requirements:

* * * *

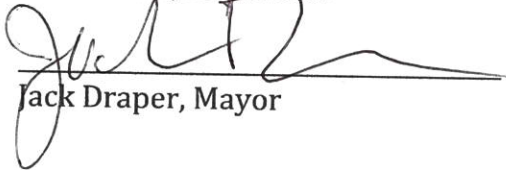
8. The establishment must be located in either (1) a freestanding structure occupied solely by the cigar bar business or (2) the top floor of a *qualified multi-story building*, provided that (i) the establishment is the only occupant of the top-floor of the *qualified multi-story building* and (ii) the establishment's air purification system, which must be designed by an Alabama-licensed professional engineer, effectively captures, filters and disposes of the smoke generated within the establishment so as to preclude any other floors or occupants of the *qualified multi-story building* from exposure to the smoke from within the establishment or from the

ill effects associated with the smoke, including odor. The operation of a *cigar bar* within the City that does not comply with the requirements set forth herein shall constitute a public nuisance. For purposes of this Section, a *qualified multi-story building* is a building that is comprised of two or more habitable, code compliant floors in which the walls, structures and systems of the top-floor of the building are entirely separated from, and unconnected to, any adjacent buildings or structures.

Section 2. This ordinance shall become effective immediately upon its publication and adoption as required by law.


PASSED and ADOPTED on this the 15th day of May, 2017.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

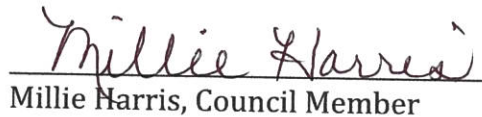

Jack Draper, Mayor

abstain

Jay W. Jenkins, Council Member


David E. Reddick, Council Member

 abstain
Benjamin L. Little, Council Member


Millie Harris, Council Member

ATTEST:


Alan B. Atkinson, City Clerk